

Downey

MIA Source Ref 7 12

C O P Y

19 January 1955

MEMORANDUM FOR THE SECRETARY OF STATE

In connection with our meeting yesterday, I attach a copy of a document dated 14 December 1954 covering the status of Messrs. Downey and Fecteau, which was prepared by Mr. McConaughy of the Department of State with the assistance of Messrs. Frank Wisner of CIA and William Godel of the Department of Defense. This document was prepared for inclusion in the briefing for Secretary General Hammarskjold.

ALLEN W. DULLES
Director

Attachment ("Suggested Paragraph for Inclusion in Briefing Book for Secretary General Hammarskjold")

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MIA Source Rep [712]
Dec 1954

**SUGGESTED PARAGRAPH FOR INCLUSION IN BRIEFING BOOK
FOR SECRETARY GENERAL HAMMARSKJOLD**

**Cases of John T. Downey and Richard Fecteau, Civilians Captured by
Chinese Communists During the Korean Hostilities.**

John T. Downey and Richard Fecteau, American civilians on the roster of the Department of the Army assigned to duty in Japan and Korea, disappeared late in 1952 in the course of a flight in the theatre of the Korean operations. The place where their C-47 plane went down is unknown. The pilot and co-pilot of the plane apparently were killed in the course of a Communist attack on the plane, or in the subsequent crash. The Chinese Communists announced on November 24 that they had sentenced Downey and Fecteau to life imprisonment and 20 years imprisonment respectively, on charges of espionage.

The Chinese Communists linked these cases with those of the 11 airmen whose sentences were announced at the same time. However the airmen were on a different mission and were shot down several weeks after the civilians.

It is the position of the U. S. Government that these civilians are entitled to release under paragraph 59 (b) of the Korean Armistice Agreement, which is quoted below.* They were on a confidential mission in support of the UN Command. The mission was directly related to the UN defense against the Chinese Communist aggression in Korea. Their operations were important to this purpose and were made necessary by the Chinese Communist breach of international peace and security. The Korean Armistice Agreement contemplated the return of civilians whose detention resulted from the hostilities in Korea and a number of civilians have been returned thereunder. Messrs. Downey and Fecteau come within this category and their continued detention by the Chinese Communists cannot be justified. The Government of the United States maintains that these American civilians should be given their freedom forthwith.

✓ * Paragraph 59 (b) of the Korean Armistice Agreement reads as follows:
"b. All civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers shall, if they desire to proceed to territory under the military control of the Commander-in-Chief, United Nations Command, be permitted and assisted to do so; all civilians of foreign

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nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, shall, if they desire to proceed to territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, be permitted and assisted to do so. The Commander of each side shall be responsible for publicizing widely throughout the territory under his military control the contents of the provisions of this sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians of foreign nationality who desire to proceed to territory under the military control of the Commander of the other side."

Source
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